

PROPOSED DEVELOPMENT CONDITIONS**FDP 2013-PR-007****October 23, 2013**

If it is the intent of the Planning Commission to approve FDP 2013-PR-007, located at 2941 Eskridge Road, in conjunction with the rezoning of Tax Parcels 49-3((1))-87,88 and 89B, from I-5 to the PDH-30 District, pursuant to Sect. 16-402 of the Fairfax County Zoning Ordinance, staff recommends that the Commission condition the approval by requiring conformance with the following development conditions, as well as the conditions associated with stormwater management facilities waiver request #561-WPFM-005-1, which are included as Attachment A to these conditions.

1. Any building permit submitted pursuant to this Conceptual Final Development Plan (FDP) shall be in substantial conformance with the approved CDP/FDP Plan entitled "Merrifield Town Center, Parcel K", consisting of seventeen sheets and prepared by VIK Virginia, LLC, which is dated February 21, 2013, as revised through August 16, 2013, and these conditions. Minor modifications to the approved CDP/FDP may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
2. Any streetscape modifications that are required by DPWES at the time of site plan review shall meet the intent of both the CDP/FDP and Fairfax County's "Merrifield Streetscape Design Manual" (dated June 2008) and may include additional amenities, fixtures or landscaping that are in substantial conformance with those resources, and in harmony with the neighboring Mosaic townhome development.
3. The minimum setback distance for Building 2 from the east property line shall be 7-feet (as depicted graphically on the plan), and not 5-feet (as labeled).
4. In order to avoid any potential issues with locating private parking spaces off-site, the proposed on-street parallel parking spaces on Merrifield Town Center shall be located entirely within the applicant's original property boundary, as shown on the CDP/FDP, which will result in approximately one (1) to two (2) feet of excess pavement between the travel lane and edge of the parking spaces, due to an existing gap between the roadway and property line.
5. At the time of site plan review, DPWES shall allow reasonable modification of the proposed park layout, as required to accommodate the proposed permeable paving BMP on the sloped site. If DPWES determines that the installation of the proffered permeable paving BMP is not technically feasible, due to soil conditions onsite or topographical constraints that would not be reasonable to overcome, the applicant shall be allowed to substitute an alternative approved BMP system(s), as needed, to contribute towards the proffered 20% phosphorus reduction target.
6. Additional amenities may be included in the final park design, to include recreational features, public art, seating elements, or other similar facilities that would serve the public, as approved by DPWES at the time of site plan review.

7. Signage not requiring a permit, per Sect. 12-103 of the Ordinance, shall be allowed, until such time as this property applies for a CSP.
8. The proposed retaining wall/screening fence along the north property line may be removed in the future in coordination with an approved redevelopment plan for the adjacent parcels to the north which provides for a compatible development to be incorporated into the Town Center.
9. Silva Cellstm or similar approved technology shall be utilized in the modified planting areas shown on the CDP/FDP along Merrifield Town Center, in order to accommodate a full 5-foot sidewalk cantilevered over the planting areas for the proposed street trees, as approved by UFMD
10. The reconstruction of the curb radius on the south side of Merrifield Town Center, at Eskridge Road, shall be subject to the acquisition of all necessary easements, as well as review and approval from VDOT.
11. The proposed crosswalk on Merrifield Town Center at Eskridge Road shall be designed and marked to VDOT standards.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Building Permits through established procedures.

ATTACHMENT A

Waiver Request #561-WPFM-005-1 Conditions

Merrifield Town Center Parcel K

RZ 2013-PR-007

May 30, 2013

1. The underground facility shall be constructed in accordance with the development plans and these conditions as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facility shall have a minimum height of 72 inches.
3. The underground facilities shall be constructed of reinforced concrete products only.
4. The underground facilities shall incorporate appropriate safety features, such as locking manholes and doors, as determined by DPWES at the time of construction plan submission.
5. The underground facilities shall be privately maintained and shall not be located in a county storm drain easement.
6. A private maintenance agreement for the facility, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the land records of the county prior to final site plan approval. The maintenance agreement shall run with the land, its successors and assigns. The private maintenance agreement shall include:
 - a condition that the property owner and its successors or assigns shall not petition the County to assume the maintenance, or the replacement, of the underground facility;
 - a reference to the establishment of the reserve funds for the maintenance and replacement of the underground facility;
 - a reference to the operation, inspection, and maintenance procedures detailed in the site plan;
 - a condition that the property owner provide and continuously maintain liability insurance; a typical liability insurance amount is at least \$1,000,000 against claims associated with underground facility; and
 - a statement that Fairfax County shall be held harmless from any liability associated with the facility.

ATTACHMENT A

7. Operation, inspection, and maintenance procedures associated with the underground facility shall be included in the site plan to ensure the safe operation, inspection, and maintenance of the facility. The procedures shall include:

- establishment of procedures to facilitate inspection by the county including, but not limited, to
 - an advance notice procedure,
 - a requirement for inspection of transitional screening,
 - a requirement for contact information,
 - the procedure for obtaining the access keys,
 - the procedure to ensure the access points to the facility are not blocked;
- and
- establishment of operation and maintenance procedures to ensure the facility will continue to control the stormwater generated from the site,
 - continue to minimize the possibility of clogging events, and

8. A financial plan for the property owner to finance regular maintenance and full life-cycle replacement costs shall be established prior to site plan approval. The financial plan shall include:

- a separate line item in the annual budget for operation, inspection, and maintenance shall be established;
- a reserve fund for future replacement of the underground facility shall be established to receive annual deposits based on the initial construction costs and an estimated 50-year lifespan for concrete products; and
- prior to final construction plan approval, the property owner shall escrow sufficient funds which will cover a 20-year maintenance cycle of the underground facility; these monies shall not be made available to the owner until after final bond release.